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OFFICE OF PETITIONS

**Banner & Witcoff, LTD.
1100 13th Street, N.W.
Ste. 1200
Washington, D.C. 20005**

In re Application of : DECISION GRANTING PETITION
Steve DISPENSA et al. : UNDER 37 CFR 1.137(b)
Application No. 10/737,200 :
Filed: 15 December 2003 :
Atty Docket No. 007230.00014 :

This is a decision on the petition under 37 CFR 1.137(b), filed 22 December 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed 4 February 2009 (“outstanding Office action”), which set a shortened statutory period of reply of three (3) months. No reply was received. The application became abandoned on 5 May 2009.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the outstanding Office action, (2) a petition fee of \$1620.00, and (3) a statement of unintentional delay. The reply to the outstanding Office action is accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See, In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1110 extension of time fee submitted with the petition on 22 December 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

General inquiries relating to this decision should be directed to Robert DeWitty, Petitions Examiner, Office of Petitions (571-272-6051).

The application file will be referred to Technology Center Art Unit 2457 for further action on the filed Response.

Ramesh Krishnamurthy
for David Bucci
Petitions Examiner
Office of Petitions